

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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JOE HAND PROMOTIONS, INC.,

Plaintiff,

-against-

ALGESK INC., d/b/a OE LOUNGE, and  
ALEXSANDRA LUGO,

Defendants.  
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FILED  
IN CLERK'S OFFICE  
US DISTRICT COURT  
★ MAR 14, 2014  
BROOKLYN OFFICE

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Rec'd  
3/14/14  
(8)

**MEMORANDUM AND ORDER**  
No. 12-CV-05356 (FB) (MDG)

*Appearances:*  
*For the Plaintiff:*

PAUL J. HOOTEN, ESQ.  
Paul J. Hooten & Associates  
5505 Nesconset Highway, Suite 203  
Mt. Sinai, NY 11766

**BLOCK, Senior District Judge:**


On September 12, 2013, Magistrate Judge Marilyn D. Go issued a Report and Recommendation ("R&R") recommending that plaintiff's motion for default judgment be granted and that judgment be entered in favor of plaintiff in the amount of \$12,559.00 against defendant Algesk, Inc. d/b/a OE Lounge only. Magistrate Judge Go also recommended that any claims against individual defendant Alexsandra Lugo be dismissed. The R&R states that "Any objections must be filed with the Clerk of the Court, with a copy to Judge Block and the other party, on or before September 30, 2013 at 5:00 p.m. Failure to file timely objections may waive the right to appeal the District Court's Order." R&R at 15. A copy of the R&R was served on defendants at their last known address on September 12,

2013. To date, no objections have been filed.

Where, as here, clear notice has been given of the consequences of failure to object, and there are no objections, the Court may adopt the R & R without *de novo* review. See *Thomas v. Arn*, 474 U.S. 140, 149-50 (1985); *Mario v. P & C Food Mkts., Inc.*, 313 F.3d 758, 766 (2d Cir. 2002) ("Where parties receive clear notice of the consequences, failure timely to object to a magistrate's report and recommendation operates as a waiver of further judicial review of the magistrate's decision."). The Court will excuse the failure to object and conduct *de novo* review if it appears that the magistrate judge may have committed plain error. See *Spence v. Superintendent, Great Meadow Corr. Facility*, 219 F.3d 162, 174 (2d Cir. 2000).

As no error appears on the face of Magistrate Judge Go's R&R, the Court adopts it without *de novo* review. Accordingly, the Court directs the Clerk to enter judgment in the amount of \$12,559.00 against defendant Algesk, Inc. d/b/a OE Lounge only. Any claims against individual defendant Alexsandra Lugo shall be dismissed.

SO ORDERED.

  
K/USDS BLOCK  
FREDERIC BLOCK

Senior United States District Judge

Brooklyn, New York  
March 13, 2014